

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CRYSTAL D. HICKS,)
)
Plaintiff,)
)
vs.) Case No. 4:16 CV 1734 CDP
)
WALMART, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

On September 13, 2017, I granted defendant Walmart, Inc.'s motion to compel and awarded it the costs and fees of bringing that motion. Walmart has now filed a verified statement of attorneys' fees with a supporting affidavit filed under seal from attorney Sheena Hamilton. Walmart seeks attorneys' fees in the amount of \$1005 and no costs. Plaintiff Crystal Hicks has been allowed time to respond, and no objections to Walmart's verified statement have been filed.

Under Rule 37(a)(5)(A), Fed. R. Civ. P., when a motion to compel is granted, the court may award the movant's reasonable expenses incurred in making the motion, including attorneys' fees. "The party seeking litigation fees bears the burden to provide 'evidence of the hours worked and the rate claimed.'" "*Saint Louis Univ. v. Meyer*, No. 4:07-CV-1733CEJ, 2009 WL 482664, at *1 (E.D. Mo.

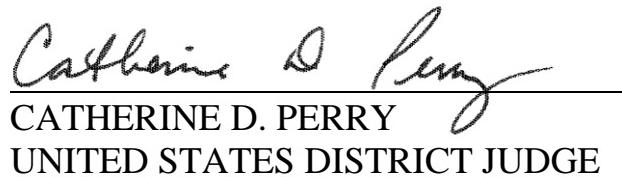
Feb. 25, 2009) (quoting *Northeast Iowa Citizens for Clean Water v.*

Agriprocessors, Inc., 489 F.Supp.2d 881, 900 (N.D. Iowa 2007)).

The affidavit submitted by Walmart's counsel provides the number of hours worked and the rate charged per hour. Based upon the Court's independent knowledge of prevailing rates, I find reasonable the requested rates and the number of hours spent preparing and filing the motion to compel. Therefore, based on a review of the evidence submitted in support of Walmart's motion, I conclude that the fees charged by Walmart's attorneys for purposes of work done on the motion to compel are reasonable. Walmart will be awarded attorneys' fees in the requested amount of \$1005.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Crystal Hicks shall pay defendant Walmart, Inc. attorneys' fees in the amount of \$1005.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of October, 2017.